

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter Of )  
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**CHABAD LUBAVITCH MITZVAH  
TANK, INC.** )  
)  
)

Application for Global Authority )  
Pursuant to Section 214 of the )  
Communications Act of 1934, as amended, )  
to Operate as an International Facilities-based )  
and Resale Carrier Between the United States )  
and Various International Points )  
\_\_\_\_\_)

File No. ITC-214-2003-\_\_\_\_\_

**APPLICATION**

Chabad Lubavitch Mitzvah Tank, Inc. (“CLMT” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points.

**I. THE APPLICANT**

CLMT is a privately held corporation organized under the laws of the State of New York. Applicant is not a foreign telecommunications carrier nor does it have any affiliation with a foreign carrier in any country where it intends to provide services. Therefore, Applicant qualifies for a presumption of non-dominance under Section 63.10(a)(1) of the Commission’s Rules, 47 C.F.R. § 63.10(a)(1), and its application is eligible for streamlined processing pursuant to Section 63.12 of the Commission’s Rules, 47 C.F.R. § 63.12.

## **II. PUBLIC INTEREST CONSIDERATIONS**

CLMT believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services. These benefits include competitive pricing and increased availability of a variety of innovative service options. Therefore, grant of this Application will further the public interest.

## **III. INFORMATION REQUIRED BY SECTION 63.18**

CLMT submits the following information, as required by Section 63.18 of the Commission's Rules, in support of this Application:

- (a) Name, address and telephone number of Applicant:

Chabad Lubavitch Mitzvah Tank, Inc.  
1444 President Street  
Brooklyn, NY 11213  
Tel: (718) 363-8265  
Fax: (718) 363-8265
- (b) Applicant is incorporated under the laws of the State of New York.
- (c) Correspondence concerning this application should be sent to:

Catherine Wang  
Douglas D. Orvis II  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7645
- (d) CLMT does not currently hold any Section 214 authorizations.
- (e) CLMT requests global Section 214 authority to operate as a facilities-based and resale international carrier pursuant to Sections 63.18(e)(1) and 63.18(e)(2),

respectively, of the Commission's Rules. CLMT requests such authorization for all international routes authorized by the Commission. CLMT certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.

- (f) CLMT seeks Section 214 authorization to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) Not applicable. CLMT is not requesting authorization for facilities pursuant to Section 63.18(e)(4) of the Commission's Rules.
- (h) Information regarding the 10% or greater direct or indirect shareholders of Applicant is as follows.

The following persons or entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in Applicant:

Name/Address	% Held	Citizenship	Principal Business
Rabbi Levi Baumgarten 1444 President Street Brooklyn, New York 11213	100%	U.S.	International Religious Organization

Applicant has no interlocking officers or directors with foreign carriers to report.

- (i) CLMT certifies that it is not a foreign carrier. Further, CLMT certifies that it is not affiliated with any foreign carriers, which are currently licensed or are in the process of obtaining licenses to provide international telecommunications services.
- (j) CLMT certifies that it is not seeking to provide international telecommunications services to any destination country to which Sections 63.18 (j)(1)-(4) of the Commission's Rules apply.
- (k) Not applicable. CLMT is not seeking to provide international telecommunications services pursuant to Section 63.18(j)(1)-(4) of the Commission's Rules.
- (l) Not applicable. Applicant is not a foreign carrier nor is it affiliated with a foreign carrier.
- (m) CLMT qualifies for non-dominant treatment for the provision of all U.S. international telecommunications services pursuant to Section 63.10 of the Commission's Rules because CLMT is not a foreign carrier and is not affiliated with any foreign carriers.

- (n) CLMT certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route and CLMT will not enter into such agreements in the future.
- (o) CLMT certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862), that no party to its application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This Application qualifies for streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12, because Sections 63.12(c)(1)-(4) do not apply to Applicant. CLMT therefore qualifies for the presumption of non-dominance under Section 63.10(a)(1) of the Commission's Rules.

#### IV. CONCLUSION

For the reasons stated above, Chabad Lubavitch Mitzvah Tank, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application.

Respectfully submitted,

By:

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Catherine Wang  
Douglas D. Orvis II  
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
3000 K Street, N.W., Suite 300  
Washington, DC 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7645

Its Counsel

Dated: February \_\_, 2003

## **CERTIFICATION OF APPLICANT**

On behalf of Chabad Lubavitch Mitzvah Tank, Inc., I hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

**Chabad Lubavitch Mitzvah Tank, Inc.**

By: \_\_\_\_\_

Name: Rabbi Levi Baumgarten  
Title: President  
Date: January \_\_\_\_, 2003